

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**IN RE GENETICALLY MODIFIED RICE  
LITIGATION**

**Case No. 4:06 MD 1811 CDP**

**ALL CASES**

**Judge Catherine D. Perry**

**JOINDER OF MISSISSIPPI TRIAL POOL PLAINTIFFS AND OTHER MISSISSIPPI  
PLAINTIFFS IN PLAINTIFFS' MOTION TO  
ESTABLISH COMMON BENEFIT FUND**

COMES NOW Black Dog Planting Company, Peter Dulaney Farms, Byrd Farms Partnership, Rizzo Farms Joint Venture and Pongetti Farms Partnership II, the Mississippi Trial Pool Plaintiffs, and approximately 245 other plaintiffs in Mississippi represented by undersigned counsel, hereby join in, pursuant to Fed. R. Civ. P. 10(c), and incorporate by reference Plaintiffs' Lead Counsel's and Plaintiffs' Executive Committee's Motion to Establish a Common Benefit Fund.

Plaintiffs are all producer parties in the above-referenced litigation who have sued the Defendants for multiple claims. These claims include very complex and technical areas of litigation which require substantial time and effort and expertise on behalf of the Plaintiffs' Lead Counsel and the Plaintiffs' Executive Committee herein. The Plaintiffs' Lead Counsel as well as members of the Plaintiffs' Executive Committee have undertaken massive discovery efforts to produce very technical interrogatories, requests for production and requests for admissions, along with numerous depositions of the Defendants and of the parties herein. They have engaged and developed expert witnesses on causation and damages of which all other producer claimants shall receive benefit. Further, Plaintiffs' Lead Counsel and the Plaintiffs' Executive Committee have likewise directed and managed this litigation which has required substantial time and expense on their behalf that will directly benefit all

claimants in this litigation.

The establishment of a common benefit fund is a normal and common occurrence in MDL cases. One of the primary purposes of MDL litigation is to consolidate and streamline the pre-trial development of all cases in order to achieve cost savings and to avoid duplication of effort. It is therefore appropriate that parties who benefit from these efforts shall fairly compensate and pay their fair share to those who have provided this benefit. The Producer Plaintiffs herein certainly recognize that without the efforts of Lead Counsel and of the Plaintiffs' Executive Committee, it would be economically impossible for many of the them to carry forward with this litigation.

WHEREFORE, Plaintiffs herein request that the Court grant the Motion to Establish a Common Benefit Fund filed by the Plaintiffs' Lead Counsel and the Plaintiffs' Executive Committee and further impose the requested assessments upon all parties who have benefitted from the work of the Plaintiffs' Lead Counsel and the Plaintiffs' Executive Committee.

Dated this the 17<sup>th</sup> day of September, 2009

Respectfully submitted,

WESTERFIELD, JANOUSH & BELL, P.A.

By: /s/ *Warren B. Bell*

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**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that I have, this 17<sup>th</sup> day of September, 2009, electronically filed a copy of the foregoing with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the parties of record.

/s/ *Warren B. Bell*

Warren B. Bell, MS Bar No. 101754